

REMARKS/ARGUMENTS

Claims 22-29 were pending in this application. Claims 22-29 have been canceled. Claims 30-49 have been added. Hence, claims 30-49 remain pending. Reconsideration of the subject application as amended is respectfully requested.

Claims 22-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the cited portions of U.S. Patent No. 6,014,569 to Bottum et al. (hereinafter "Bottum"), in view of the cited portions of U.S. Patent Application No. 5,661,787 to Pocock (hereinafter "Pocock").

Claims 22-29 were rejected under the judicially created doctrine of obviousness-type double patenting in view of claims 1, 4-11 and 14-21 of U.S. Patent No. 6,600,918 to Youngs et al. (hereinafter "Youngs") in view of Pocock.

Claim Rejections Under 35 U.S.C. § 103(a)

All pending claims have been canceled. The new claims all contain subject matter not taught or suggested by the cited references. No new matter has been added. For example, claim 30 includes the limitation: "determining whether the requested media program is presently being broadcasted on a wireless channel in the wireless network." The cited references do not teach or suggest this limitation. Claim 40 includes the limitation: "wherein the source provider is further configured to, in response to a request for a requested media program, determine whether the requested media program is presently being broadcast on a wireless channel." The cited references do not teach or suggest this limitation. The remaining claims depend from one of these independent claims and are believed to be allowable, at least for this reason.

Application No. 10/601,773
Amendment dated January 17, 2006
Reply to Final Office Action of September 14, 2005, and
Advisory Action of December 12, 2005

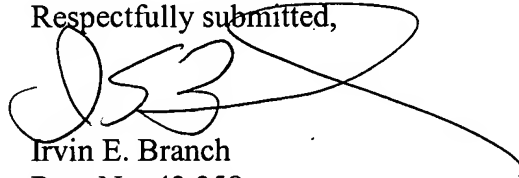
PATENT

Conclusion

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



Irvin E. Branch
Reg. No. 42,358

Date: January 17, 2006

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
IEB/jln
60674475 v1